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08/799,400	02/12/97	SASAKI	D KAMMON-3.0-0

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EXAMINER	
LEV, B	
ART UNIT	PAPER NUMBER
3509	

DATE MAILED: 10/14/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

# Office Action Summary

Application No.  
**08/799,400**

Applicant(s)  
**Sasaki et al**

Examiner  
**Bruce A. Lev**

Group Art Unit  
**3509**



☒ Responsive to communication(s) filed on Feb 12, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-30 is/are pending in the applicant

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claims 29,30 there is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The applicant is required to clarify if the claim is intended to be drawn to merely the closure or to the combination of the closure, and the cables, and to make the language in the claim consistent with the intent. For example, the preambles state, "A closure ", however in claim 29 lines 2-3 state, "tape is wound around...the cable".

As concerns claims 1,4,22-26 the phrase "....-like" is vague and indefinite.

As concerns claims 11,12 the phrase "recess *or* a hole" is vague and indefinite.

As concerns claim 21 the phrase "protrusions *or* teeth" is vague and indefinite.

As concerns claim 4 the phrase "opposite to one of said end plates" is vague and indefinite since an opposing direction has not been defined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,3,5,22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rebers et al 4,857,672.

As concerns claim 1 Rebers et al discloses a closure 1 comprising a pair of semicylindrical sleeve members vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 19 on opposite ends of the sleeve, each formed with a cable guide holes, inclusive of 48,49; hinges and fasteners, inclusive of members 6, releasably hooked between and connecting the sleeve members; end plates formed with slits, inclusive of 133,140, extending from the guide holes to an outer periphery of the end plate; and guide hole caps, inclusive of members 50,51, with rigidity holding members viewed as the material connecting 50,51 to 39; and an *adhesive tape-like* gasket, viewed as the outer annular section 130, between the end plates and the sleeves.

As concerns claims 2,3 Rebers et al discloses the end plates as removably fitted therein with multiple opening prevention connection members viewed as members 55.

As concerns claim 5 Rebers et al discloses the opening prevention connection members and the rigidity holding members fitted in recesses on the outer surface of the end plate (viewed as the radial surfaces formed by holes 48 and 49 and facing exteriorly with respect to the solid portion of the end plate) and having respective mating engagements (viewed as the contiguous connected portions).

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As concerns claim 22 Rebers et al discloses the hinges including a plurality of ring receiving portions, part of 6, rings pivotally arranged, holding recesses, operation levers with holding projections, and fastener receiving portions.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebers et al.

Rebers et al discloses the invention except for the tape being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the tape from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been a mere design choice.

6. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebers et al in view of Massey 4,558,174.

As concerns claims 23-25,27,28 Rebers et al discloses the invention except for the abutting joint surfaces provided with a recess for holding a gasket therein, a gasket within the

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recess, and wherein the abutting surfaces are chamfered on an outer edge thereby forming a reduced width. However Massey shows recesses 112,113, gasket 141 (best shown in figures 5-7) between two abutting joint surfaces wherein the abutting surfaces are chamfered on an outer edge thereby forming a reduced width. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the abutting joint surfaces of Rebers et al to include recesses upon abutting joint surfaces, a gasket placed therein, and to chamfer an outer edge thereby forming a reduced width, as taught by Massey, in order to increase the sealing capabilities between the joint surfaces.

As concerns claim 26 Rebers et al discloses the invention except for the stopper. However, Massey shows a hinge including a stopper 128 for holding the ring of a hinge at a predetermined angle when pivoted about the ring insertion portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the hinges of Rebers et al to include a stopper, as taught by Massey, in order to hold the ring of the hinge at a predetermined angle when pivoted about the ring insertion portion, thereby reducing torsional forces upon the abutting surfaces of the sleeves.

7. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-28 Sasaki et al discloses the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection

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section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, each formed with a cable guide hole 20; hinges and fasteners, inclusive of members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits, inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as the surfaces between the cap and the holes. **What Sasaki et al does not show** is an adhesive tape gasket between the end plates and the sleeves. However, **Nimiya et al shows** adhesive tape gasket 60 between the end plates 40 and the sleeves 20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating an adhesive tape gasket between the end plates and the sleeves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves.

As concerns claims 29,30 Sasaki et al 8,242,526 in view of Nimiya et al discloses the invention except for the tape being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the tape from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been a mere design choice.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Bl *Bf*

October 6, 1997

*Harry C. Kim*  
HARRY C. KIM  
PRIMARY EXAMINER  
GROUP 3500